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Viewing cable 09MEXICO1339, MEXICO'S FEDERAL POLICE TO RECEIVE A FACELIFT

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- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
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Reference ID	Created	Released	Classification	Origin
09MEXICO1339	2009-05-14 23:52	2011-08-30 01:44	CONFIDENTIAL	Embassy Mexico

Appears in these articles:

<http://wikileaks.jornada.com.mx/notas/riesgo-de-crear-un-poderoso-sistema-de-justicia-con-poca-rendicion-de-cuentas>

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TO RUEHC/SECSTATE WASHDC 6496
INFO RUEHXC/ALL US CONSULATES IN MEXICO COLLECTIVE
RHMFISS/DEPT OF JUSTICE WASHINGTON DC
RUEHC/DEPT OF LABOR WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
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C O N F I D E N T I A L SECTION 01 OF 04 MEXICO 001339

SENSITIVE
SIPDIS

DEPARTMENT FOR INL/LP

E.O. 12958: DECL: 12/21/2017

TAGS: [PGOV](#) [PREL](#) [PINR](#) [MX](#)

SUBJECT: MEXICO'S FEDERAL POLICE TO RECEIVE A FACELIFT

REF: A. MEXICO 873

[1](#)B. MEXICO 1224

[1](#)C. MEXICO 1314

Classified By: Political Minister Counselor Charles V. Barclay.
Reason: 1.4 (b), (d).

[1](#)1. (C) Summary. Mexico's Congress has passed a new Federal Police law, which will convert the Federal Preventive Police into the Federal Police with expanded investigative and intelligence authorities. The bill represents a compromise between President Calderon -- who had initially proposed to merge the federal police forces into one organization and move them under the authority of the Public Security Secretariat -- and his opponents, since the Public Ministry's Policia Federal Ministerial will remain intact and under the management of the Attorney General's office. The reform has the potential to significantly improve the police's ability to fight crime by expanding the capabilities of the country's largest federal police force. Nevertheless, the new Federal Police will need to overcome coordination challenges with the Attorney General's Office, avoid abusing its new authorities, and carefully train its new cadre of investigators in order to make real improvements to Mexico's security situation.
End Summary.

New Law a Compromise

[1](#)2. (C) President Calderon has made nationwide police reform a lynchpin of his efforts to combat Mexico's security challenges. Riddled with corruption and inefficiencies, as well as lacking effective cooperation mechanisms to coordinate the some 2000 federal, state, and municipal organizations, Mexico's police have long been seen as a barrier to meaningful improvements in the country's security situation and justice system. Calderon's most recent effort to address the police quandary, the Federal Police law, was approved in Congress on April 30 and aims to convert the Federal Preventive Police, or PFP, into a new force with expanded authorities known as the Federal Police. The bill represents a significant compromise for Calderon, who had originally proposed and had even started the merger under the SSP of the Attorney General's (PGR) Federal Investigative Agency (AFI), which has served as Mexico's primary investigative force, with the PFP. Opposition political parties were long unenthused about the legislative proposal, and repeatedly cited a reluctance to support a measure that would put so much police authority in the hands of one Secretary. Opponents to the plan also were concerned about transferring to the SSP investigative powers, including judicially authorized telecommunications intercept capability (ref a).

Federal Police's New Look

[1](#)3. (C) The new Federal Police law, passed on April 30 by large margins in both the Chamber and the Senate, mandates that the PFP, newly rebranded as the Federal Police (PF), will remain under the management of the SSP, currently headed by Genaro Garcia Luna. Under the April 30 PGR law, the AFI, renamed the Policia Federal Ministerial (Federal Ministerial Police), will remain in the Public Ministry under the authority of the Attorney General and will continue to be the primary investigative force supporting the agency. Oscar Rocha, adviser to Attorney General Medina Mora, told Poloffs that PGR is now engaged in rebuilding AFI/Ministerial Police, and will look to strengthen its ranks both from new hires as well as former AFI officers who were transferred to SSP. AFI Director Nicandra Castro told NAS Director on May 14 that AFI currently counts 4,764 members in its ranks, and that she is looking to hire 1,500 more. PGR will only accept officers who pass a series of confidence control measures.

[1](#)4. (C) Despite the failure to merge the two forces, the

Federal Police under the new legislation will receive significant new authorities, which proponents say will resolve a major challenge facing the PFP -- the lack of investigative and intelligence-gathering abilities. Garcia Luna in a seminar on May 9 told attending diplomats, including Poloff, that these powers are specifically geared toward helping the PF's preventive crime work -- its primary mission. The new PF will have broader investigative and intelligence-gathering powers, which include:

- the right to carry out investigations for the purpose of preventing crime;
- the use of undercover operations and informants in investigations;
- the ability to do tactical and strategic technical and scientific analysis of information received through intelligence-gathering mechanisms;
- knowledge of crime scene investigation techniques in order to secure evidence at the scene of the crime;
- the ability to request from a judge authorization for wiretaps and other interventions into various telecommunications systems for up to a six month period. The judge by law must respond to the written request within twelve hours.

15. (C) The new law expands and codifies Federal Police resources and authorities in other areas, as well. It grants the Federal Police the ability to tap into new resources by allowing the force to use state and municipal police officers, SSP technical personnel and captains of boats or national airlines as necessary. It also gives the PF the authority to conduct surveillance and inspect the entrance and exit of goods and people at airports, maritime ports, and various other customs points throughout the country. The PF will also have purview over the security of national parks and other federal spaces.

16. (C) In accordance with the Law for the National Public Security System, signed by Calderon in January, the Federal Police legislation establishes a National Council for Police Development, which will help develop career service for officers, and mandates the hiring, firing, and education requirements for the force. The law facilitates the firing of officers who do not meet vetting or performance objectives, for example, by allowing the Federal Police to provide only monetary restitution to an officer who claims he was wrongly fired rather than requiring that the PF rehire that person. The law also stipulates that officers in the areas of investigation or high-level training must at least have a bachelor's degree.

Coordination With PGR -----

17. (C) Long-standing rivalries between the SSP and PGR have at times complicated their working relationship. Both organizations have said that the new police law will enhance cooperation between the two agencies. Garcia Luna highlighted for diplomats that the law explicitly allows Federal Police investigators to support PGR investigations at the Public Ministry's behest and under its authority. PGR's Rocha told Poloff that he thinks the Federal Police's expanded investigative role will help the PGR more effectively build and prosecute cases. He noted that being able to tap into a more highly trained and capable 25-30,000 strong Federal Police for investigative assistance can only help PGR.

18. (C) Nevertheless, how coordination between the two entities on the ground actually works is less clear. Garcia Luna's definition of "investigation for prevention" seems quite broad, and when the Federal Police would turn an investigation over to PGR and its Ministerial Police is poorly defined. The law does stipulate that the Federal Police must hand over a case to the Public Ministry immediately if, during the course of the police's investigation, a "major crime" is committed. When asked to describe the division of labor during the course of police

work, Garcia Luna explained that the Federal Police will be able to do the initial crime scene investigation, secure the evidence, and then hand it over to Public Ministry and the Federal Ministerial Police. The PGR may also be reluctant to request Federal Police intercept or investigation assistance -- which the Federal Police may be eager to give -- since the organization has been enthusiastically setting up its own operational and analytical wiretapping unit. How cooperation will evolve over the course of the rest of the investigation -- particularly should the Federal Police try to take advantage of its new authorities to assert itself more strongly -- seems up for debate.

Some Observers Wary of Potential Abuses...

¶9. (C) Human rights groups and some government opponents have reacted tepidly to the new law. Madeline Penman from Centro Proderecho, an NGO focusing on judicial institutions and the rule of law in Mexico, told Poloff on May 11 that the organization is concerned by the vague language covering regulations of wiretaps and telecommunication intercepts. Groups are also concerned about the potential for abuses during undercover operations unless they are carefully monitored. Some of Calderon's political opponents are bothered by any legislation they see as concentrating too much authority in the hands of one organization and cite wiretaps, for example, as ripe for misuse. Other observers explain that Mexico's history of single party rule where the state security apparatus was used not only for legitimate concerns but also to control or observe political enemies generates unease.

...But Not a Return to the Old Days

¶10. (C) The law is drafted with checks and balances included that probably will help to prevent serious police abuses of the new authorities. For example, requests for wiretaps have to come from the General Commissioner, the head of the Federal Police force, which should provide internal accountability and minimize the risk that such tools will be used for retribution against personal or political enemies or for some kind of personal gain. Moreover, police are required to present a written request before a judge to obtain permission for telecommunications intercepts for up to a six month period. The judge will determine the kinds of intercept authorities granted in each case, the limits, and the means. Should the police want to expand the intercept use to other subjects or locations, they will have to present to a judge a new request. Moreover, at the end of every intercept operation, the police will have to present a report in the form of the recorded sounds or images to prove to the judge that the case was run in accordance to the established guidelines. The judge also has the right at any time to verify that the intercepts are done in accordance with these terms and can partially or totally revoke the permission if necessary. Police are required to submit monthly a report on their intercept activities, which will be passed from the judge to the Public Ministry.

Comment

¶11. (C) Mexico's Federal Police reform has the potential to significantly improve the police's ability to fight crime by expanding the capabilities of the country's largest federal police force. A Federal Police with a strong investigative component also feeds well into efforts to transform Mexico's antiquated judicial system inasmuch as it increases the number of officers who can help build stronger cases by understanding the need for thorough forensics work, crime scene investigation, and a secure chain of evidence. The Federal Police could be an important partner for the far more limited Federal Ministerial Police, which will only number in the few thousands initially. A more effective police force could go a long way -- in the long term -- toward getting the military out of the organized crime fight.

¶12. (C) Nevertheless, the SSP will need to clarify, in coordination with PGR, the roles of each organization's police force and how they can complement each other on the ground. Continued feuding between the two agencies will do little to improve Mexico's troubled security environment. Moreover, a Federal Police doing top notch investigative work will not accomplish much if the PGR cannot effectively prosecute cases, nor would a poorly trained Federal Police be of much help to its prosecutorial counterpart. The SSP will also have to carefully monitor its use of its new powers, particularly in the early trial period, or will risk feeding into fears that the reforms make the Mexican security apparatus too powerful.

¶13. (C) Garcia Luna faces a formidable challenge in preparing the some 9,000 federal police officers he envisions acting as investigators (ref b and c). He has requested U.S. assistance, which provides an unprecedented opportunity to the U.S. to engage with the SSP on a large scale and help shape the future of the organization. NAS has been working on planning for a possible 1,500 person pilot project with the SSP starting as early as June-July. Ensuring this training produces a capable and credible new force, however, will require a serious and sustained effort on the GOM's behalf.

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